



November 13, 2015

BY ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

IN THE MATTER OF:)	
)	
GREEN DOT PUBLIC SCHOOLS)	CC Docket No. 02-6
BEN 16021229)	
)	
2014 Form 471: 937282)	
Funding Request 2725182)	

Request for Waiver

Green Dot Public Schools (BEN 16021229) wishes to request an FCC waiver for Funding Year 2014 application **937282** FRN **2725182**, which was denied on March 18, 2015. This is a split Funding request associated with FRN 2674909 that removed two schools which were added to the addendum after the 2014 Filing window closed due to a clerical error on the contract. The split was performed to allow Green Dot to receive services for the schools on the primary FRN, while the schools associated with the split FRN were appealed.

Green Dot contends that at the time they signed the WAN contract with Time Warner for “all schools in the district,” on January 30, 2014, the documentation included below demonstrates that both Green Dot and Time Warner thought that all schools were listed on the contract. Inadvertently, two schools were left off the master list and the error was not discovered until April 8, 2014, thirteen (13 days) after the window closed. An amendment to the contract adding the missing schools was signed May 14, 2014 between Green Dot and Time Warner, prior to the start of services on July 1, 2014.

Since the *Barberton City School District* decision of 2008 (DA 08-2382), and multiple subsequent decisions, the FCC has consistently granted waivers for clerical errors identified within 2 weeks of the end of the filing window, as noted in the FCC monthly *Streamlined Resolution of Requests Related to USAC Actions* (see attached DA 14-1721 published on November 26, 2014 footnote 7 as an example). As the error was identified within 2 weeks of the close of the window (April 8, 2014) we ask that the FCC



grant the waiver and consider the missing schools to be considered as part of the contract for 2014 Funding Year.

Background

Green Dot Public Schools is a charter school district primarily located in Los Angeles inner city schools serving disadvantaged students in the poorest neighborhoods. Often, Green Dot takes over failed schools, or schools about to lose accreditation, and injects new management into the entities to turn those schools around. Green Dot is geographically diverse, and is neither compact nor discrete: They have 21 schools located throughout the various communities of the Los Angeles metropolitan area, 2 schools in Memphis, TN and will be adding schools in Washington State and elsewhere in the country over the next several years.

Green Dot routinely adds schools to its portfolio, and updates district-wide contracts with various vendors to reflect the addition of the new schools. In this case, a clerical error left two schools, Animo Jefferson Middle School (16048581) and Animo Westside (16056874) off of the Time Warner contract. Both Green Dot and Time Warner believed that they had the final list of schools, signed the contract for the upcoming year with 56 days to spare before the end of the 2014 Form 471 filing window. Only when Time Warner did service true-ups in April did it notice that the list of addresses Green Dot was expecting service at for the upcoming year did not match the list of entities and addresses on the contract. Time Warner notified Green Dot on April 8, 2014 that entities were missing. Green Dot then verified the whole list of schools and addresses against the existing contract signed in January and signed an amendment on May 14, 2014 to include the missing schools.

Listed below is the timeline of actions relating to the Green Dot/ Time Warner Amendment. Please see **Appendix A** at the end of the document for the email message strings

January 9, 2014	Draft final Time Warner contract amendment sent for review from Green Dot.
January 30, 2014	Green Dot-Time Warner Contract signed. (56 days before 2014 Filing Window closed.) Both parties thought at the time that this was the final contract amendment.
March 24, 2014	Green Dot application 937282 submitted and certified.
March 26, 2014	2014 Form 471 Filing Window closed
April 8, 2014	Time Warner Identified that there were sites missing that should have been on the contract (13 days after window close).
Mid April 2014	Green Dot verified complete list of schools
May 5, 2014	Time Warner updated the contract with the correct site list.
May 14, 2014	Contract amendment signed by both Time Warner and Green Dot
July 1, 2014	Start of Services for FY 2014



USAC actions taken on this funding request

On March 18, 2015, Green Dot received the funding commitment decision letter for application 937282. During PIA review, at the direction of Green Dot USAC split the funding request 2674909 into two, with FRN 2674909 remaining for the majority of the sites, and 2725182 being created for the remaining two schools signed on the amendment on May 14, 2014.

Green Dot appealed the denial decision of FRN 2725182 to USAC on May 15, 2015 and USAC denied it on September 14, 2015 on the basis that USAC does not have the authority to grant waivers to FCC rules. Green Dot now requests a waiver to consider the amendment that added the two schools to the contract be considered as signed within the filing window.

Please see the attached Funding Commitment Decision Letters for FRN 2725182 and FRN 2674909, and the corresponding appeal denial for FRN 2725182.

Discussion

It is clearly evident from the timeline and the supporting message string in **Appendix A**, that both Green Dot and Time Warner thought that the entire district was covered by the contract and that on January 30, 2014 after the contract was signed (56 days prior to the window closed) that all of the schools were covered. Only when Time Warner conducted the pre-service prep work, did anyone notice that schools were left off the request. Both entities left off the contract were included on the Block 4 of the certified the form 471 #937282 at the time of submission, and Green Dot expected all of them to be receiving services through Time Warner. Therefore, it is reasonable to conclude, that the leaving the entities Animo Jefferson Middle School and Animo Westside off of the contract was unintentional and a clerical error—an error identified within 2 weeks of the close of the window by Time Warner, and rectified prior to the start of services on July 1, 2014.

It is also important to note that the underlying contract for Time Warner was funded in its entirety for all of the schools that were listed on the contract as of January 30, 2014 when it was signed. The only difference between the annual addendum signed on January 30, 2014 and the new addendum signed on May 14, 2014 is that the first is prior to the window close, and the second, after the window closed, but prior to the start of services. Had all of the sites been listed on the original contract, all of the sites would have received funding.

Conclusion

Given the clearly clerical nature of the error, the services on this funding request are delivered district-wide, the fact that the underlying contract was completely funded for the remainder of the district, and that the error in the list of entities was discovered less than 2 weeks after the 2014 Form 471 filing window closed, we request that the FCC grant the waiver for Funding Year 2014 application **937282** FRN **2725182** and consider both contract amendments to be signed prior to the submission of the Form 471.



Sincerely,

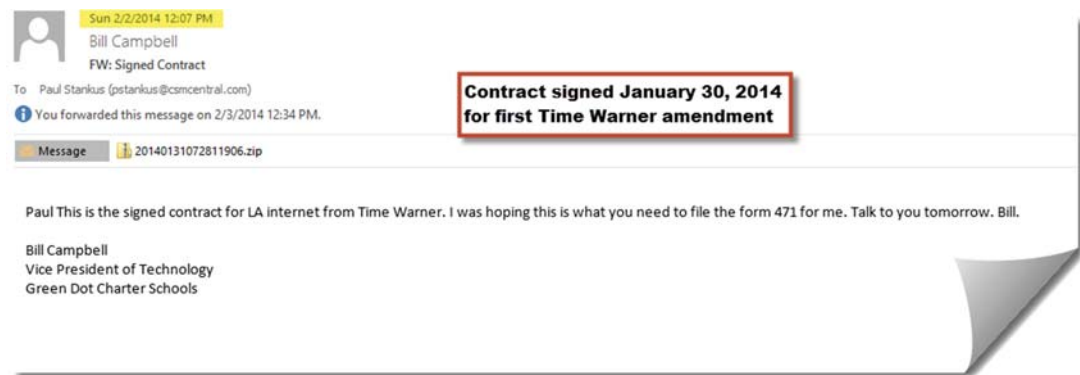
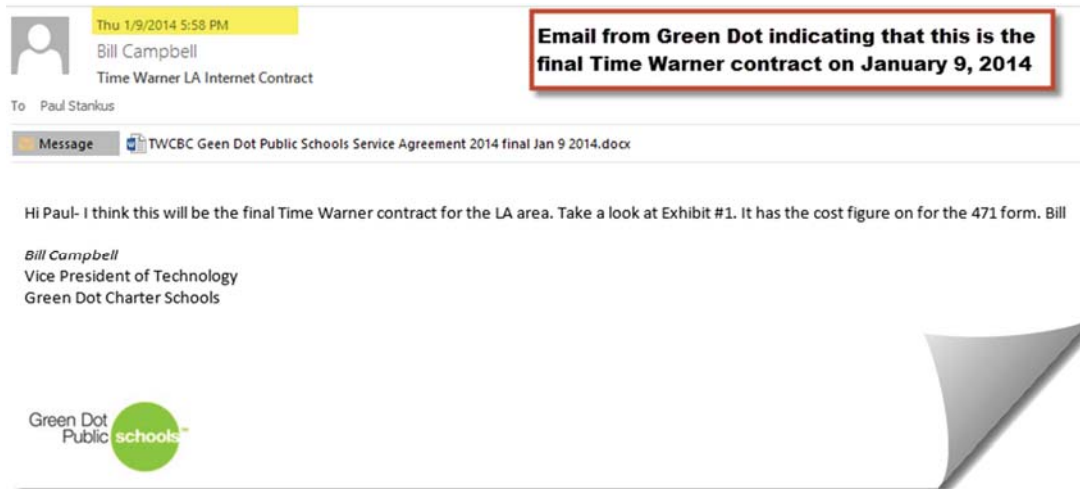
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cc: Kevin Keelen, Ed. D.

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Appendix A: Screenshots of Emails to document Time Warner Contract amendment timeline



From: Frew, Maria
Sent: Tuesday, April 08, 2014 7:11 PM
To: Bill Campbell
Subject: TWC-Greendot SOA Ammendment 2104 rev1

Notification of Time Warner to Green Dot of missing schools from master contract list on April 8, 2014

Bill

I will need you to resign the document.
We will back date it because we added Boyle Heights location and since Cowan will still be in place until the McConnell is up.
Also the 12700 address was not added onto the document because we had it as 12628 Avalon.

Please sign for our records.

Maria Frew
Time Warner Cable



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From: Frew, Maria
Sent: Monday, May 05, 2014 12:01 PM
To: Bill Campbell
Subject: RE: List of Green Dot Schools

Final list of schools updated by Time Warner for contract May 5, 2014

Here you go
This is why we need to get resign the latest one because we missed putting the Bunche site
18 sties all together

Maria Frew
Time Warner Cable
Sr. Account Executive (Government/Education/Medical)



Dedicated Access Service Agreement

This Dedicated Access Service Agreement (the "Agreement") is entered into as of this 14th day of May 2014 (the "Effective Date"), by and between **Green Dot Public Schools (BEN #16021229)**, with offices located at 1149 S. Hill Street Suite 600, Los Angeles, CA 90015 ("Customer") and **Time Warner Cable Information Services (California), LLC (BEN #16021229)**, with offices located at 17777 Center Court Drive N., 8th Floor, Cerritos, CA 90703 ("TWC"). This Agreement supersedes (i) that certain Dedicated Access Service Agreement between Customer and TWC dated Feb 19, 2009, and (ii) that certain Dedicated Access Service Agreement between Customer and TWC dated February 19, 2009 (collectively, the "Prior Agreements"). In consideration of the mutual promises and agreements made herein and intending to be legally bound, the parties agree as follows: